

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB (LJC)

**DECLARATION OF ANDREW R. KAUFMAN
IN SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTION TO TRANSFER**

This Document Relates to:

Judge: Honorable Charles R. Breyer

Date: TBD

Time: TBD

The Bellwether Cases Identified in the
Caption of the Opposition

Ctrm.: 6-17th Floor (zoom)

I, Andrew R. Kaufman, declare:

1. I am an attorney in the law firm of Girard Sharp, LLP. I am a member of the State Bars of Wisconsin and New York and am admitted to practice pro hac vice before this Court. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

2. Attached as **Appendix A** is a chart containing information about each Plaintiff subject to this motion.

a. The column labeled **Assent Dates** summarizes the dates of assent presented in Exhibits E-Q to the Sauerwein Declaration.

b. The column labeled **Assault** presents the date of assault as alleged in each Plaintiff's amended bellwether complaint.

c. The column labeled **MDL** presents the date each Plaintiff filed a case in federal court, as reflected in the records my firm keeps of cases pending in the MDL.

d. The column labeled **JCCP** presents the date, if applicable, that each Plaintiff filed a case in California state court. I received this information from attorneys at Williams Hart & Boundas, LLP, the law firm that represents these Plaintiffs.

e. The column labeled **EATS** identifies those Plaintiffs for whom Exhibits E-Q to the Sauerwein Declaration indicate assent was through "eats."

f. The column labeled **OTHER** identifies other relevant facts alleged in amended bellwether complaints.

3. Each bellwether Plaintiff served the following interrogatory:

If You contend Plaintiff's MDL action is subject to a forum selection clause or a choice-of-law clause, identify (1) the effective date of each version of Uber's Terms of Use that You contend the Plaintiff agreed to; (2) the date You contend that Plaintiff assented to each version; (3) the actions You contend Plaintiff took that constituted assent; and (4) all facts supporting those contentions, including but not limited to whether the alleged assent occurred in connection with Uber rides, Uber Eats, or some other service and a complete description of "electronic records" of the sort discussed in ECF 393-1, ¶ 6.

4. Uber initially refused to answer the interrogatory, but eventually agreed to answer under Rule 33(d) by producing (1) Terms of Use and (2) “Checkbox” consent forms. Plaintiffs asked counsel for Uber to confirm that those documents would allow Plaintiffs to understand whether assent occurred in connection with “Uber Eats.” Uber’s counsel confirmed that the produced documents would accomplish that goal.

5. Attached as **Exhibit 1** is a true and correct copy of Tony West, *Turning the lights on*, Uber (May 15, 2018), printed from <https://www.uber.com/newsroom/turning-the-lights-on/> on May 19, 2025.

6. Attached as **Exhibit 2** is a true and correct copy of a document Uber produced in this litigation with bates-stamp beginning UBER-MDL-3084-000067465. This document has been filed under seal.

7. Attached as **Exhibit 3** is a true and correct copy of a document Uber filed with the JPML (*In re: Uber Techs., Inc. Passenger Sexual Assault Litigation*, MDL No. 3084) at ECF 65-2 as Exhibit D to the O’Connor Declaration. Uber represented that this document is Uber’s Terms of Use effective as of November 12, 2019.

8. Attached as **Exhibit 4** is a true and correct copy of a document Uber filed with the JPML (*In re: Uber Techs., Inc. Passenger Sexual Assault Litigation*, MDL No. 3084) at ECF 65-2 as Exhibit J to the O’Connor Declaration. Uber represented that this document is Uber’s Terms of Use effective as of December 12, 2021.

9. Attached as **Exhibit 5** is a true and correct copy of a document Uber produced in this litigation with bates-stamp beginning UBER000182883. This document has been filed under seal.

10. Attached as **Exhibit 6** is a true and correct copy of Uber.com, printed on June 3, 2025. This website had, as of June 3, a row of buttons on the top that did not render in the PDF. Those buttons look like this:



11. Attached as **Exhibit 7** is a true and correct copy of <https://www.uber.com/us/en/about/how-does-uber-work>, printed on June 3, 2025. This website had, as of June 3, the same row of buttons on the top as appeared in Exhibit 6 and reproduced in the immediately proceeding paragraph of this declaration. That row includes a button labeled “Uber Eats.” That button, whether clicked on Exhibit 6 or Exhibit 7, directed to www.ubereats.com. As of June 3, Exhibit 7 also included a button under “Food” labeled “Details.” Clicking that button also directed to www.ubereats.com.

12. Attached as **Exhibit 8** is a true and correct copy of <https://www.ubereats.com/>, printed on June 3, 2025.

13. Attached as **Exhibit 9** is a true and correct copy of <https://www.linkedin.com/pulse/ubers-new-safety-features-dara-khosrowshahi/>, printed on June 5, 2025, with the identity of the logged-in LinkedIn account redacted, and nearly three pages of extraneous content (comments and a page footer) removed.

14. Attached as **Exhibit 10** is a true and correct copy of https://www.uber.com/legal/en/document/?name=general-terms-of-use&country=united-states&lang=en#_4d34og8, printed on June 10, 2025, which appears to be Uber’s current Terms of Use (last modified August 19, 2024).

15. Page 18 of Plaintiffs’ Opposition reproduces images of two Apple App Store mobile application icons. The black image on the left was copied on May 23, 2025 from <https://apps.apple.com/us/app/uber-request-a-ride/id368677368>. The green image on the right was copied on May 23, 2025 from <https://apps.apple.com/us/app/uber-eats-food-groceries/id1058959277>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of June, 2025 in Milwaukee, WI.

/s/ Andrew R. Kaufman
Andrew R. Kaufman